

1-1 By: Carona S.B. No. 540  
 1-2 (In the Senate - Filed February 13, 2013; February 20, 2013,  
 1-3 read first time and referred to Committee on Business and Commerce;  
 1-4 March 6, 2013, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; March 6, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the regulation, registration, and certification of  
 1-20 inspectors for elevators, escalators, and related equipment.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subsection (a), Section 754.012, Health and  
 1-23 Safety Code, is amended to read as follows:

1-24 (a) The elevator advisory board is composed of nine members  
 1-25 appointed by the presiding officer of the commission, with the  
 1-26 commission's approval, as follows:

1-27 (1) a representative of the insurance industry or a  
 1-28 registered [~~certified~~] elevator inspector;

1-29 (2) a representative of equipment constructors;

1-30 (3) a representative of owners or managers of a  
 1-31 building having fewer than six stories and having equipment;

1-32 (4) a representative of owners or managers of a  
 1-33 building having six stories or more and having equipment;

1-34 (5) a representative of independent equipment  
 1-35 maintenance companies;

1-36 (6) a representative of equipment manufacturers;

1-37 (7) a licensed or registered engineer or architect;

1-38 (8) a public member; and

1-39 (9) a public member with a physical disability.

1-40 SECTION 2. Subsections (a), (b), (c), (e), and (f), Section  
 1-41 754.0141, Health and Safety Code, are amended to read as follows:

1-42 (a) Elevators, chairlifts, or platform lifts installed in a  
 1-43 single-family dwelling on or after January 1, 2004, must comply  
 1-44 with the ASME Code A17.1 or A18.1, as applicable, and must be  
 1-45 inspected by a registered elevator [~~OEI-1 certified~~] inspector  
 1-46 after the installation is complete. The inspector shall provide  
 1-47 the dwelling owner a copy of the inspection report.

1-48 (b) The commission shall [~~, before January 1, 2004,~~] adopt  
 1-49 rules containing minimum safety standards that must be used by  
 1-50 registered elevator [~~OEI-1 certified~~] inspectors when inspecting  
 1-51 elevators, chairlifts, and platform lifts installed in  
 1-52 single-family dwellings.

1-53 (c) A municipality may withhold a certificate of occupancy  
 1-54 for a dwelling or for the installation of the elevator or chairlift  
 1-55 until the owner provides a copy of the [~~OEI-1~~] inspection report to  
 1-56 the municipality.

1-57 (e) On completing installation of equipment in a  
 1-58 single-family dwelling, a contractor shall provide the dwelling  
 1-59 owner with relevant information, in writing, about use, safety, and  
 1-60 maintenance of the equipment, including the advisability of having  
 1-61 the equipment periodically and timely inspected by a registered

2-1 elevator [~~OEI-1 certified~~] inspector.

2-2 (f) An inspection by a registered elevator [~~OEI-1~~  
2-3 ~~certified~~] inspector of equipment in a single-family dwelling may  
2-4 be performed only at the request and with the consent of the owner.  
2-5 The owner of a single-family dwelling is not subject to Section  
2-6 754.022, 754.023, or 754.024.

2-7 SECTION 3. Subsections (a), (b), and (d), Section 754.015,  
2-8 Health and Safety Code, are amended to read as follows:

2-9 (a) The commission by rule shall provide for:

2-10 (1) an annual inspection and certification of the  
2-11 equipment covered by standards adopted under this subchapter;

2-12 (2) enforcement of those standards;

2-13 (3) registration, including certification, of  
2-14 elevator [~~qualified~~] inspectors [~~and contractors~~];

2-15 (4) registration of contractors;

2-16 (5) the form of inspection documents, contractor  
2-17 reports, and certificates of compliance;

2-18 (6) [~~45~~] notification to building owners,  
2-19 architects, and other building industry professionals regarding  
2-20 the necessity of annually inspecting equipment;

2-21 (7) [~~46~~] approval of continuing education programs  
2-22 for registered elevator [~~OEI-1 certified~~] inspectors;

2-23 (8) [~~47~~] standards of conduct for individuals who are  
2-24 registered under this subchapter;

2-25 (9) [~~48~~] general liability insurance as a condition  
2-26 of contractor registration with coverage of not less than:

2-27 (A) \$1 million for each single occurrence of  
2-28 bodily injury or death; and

2-29 (B) \$500,000 for each single occurrence of  
2-30 property damage;

2-31 (10) [~~49~~] the submission and review of plans for the  
2-32 installation or alteration of equipment; and

2-33 (11) [~~410~~] continuing education requirements for  
2-34 renewal of contractor registration.

2-35 (b) The commission by rule may not:

2-36 (1) require inspections of equipment to be made more  
2-37 often than every 12 months, except as provided by Subsection (c); or

2-38 (2) require persons to post a bond or furnish  
2-39 insurance or to have minimum experience or education as a condition  
2-40 of certification or registration, except as otherwise provided by  
2-41 this chapter [~~, or~~];

2-42 [~~(3) prohibit a OEI-1 certified inspector who is~~  
2-43 ~~registered with the department from inspecting equipment~~].

2-44 (d) The executive director may charge a reasonable fee as  
2-45 set by the commission for:

2-46 (1) registering or renewing registration of an  
2-47 elevator inspector;

2-48 (2) registering or renewing registration of a  
2-49 contractor;

2-50 (3) applying for a certificate of compliance;

2-51 (4) filing an inspection report as required by Section  
2-52 754.019(a)(3), 30 days or more after the date the report is due, for  
2-53 each day the report remains not filed after the date the report is  
2-54 due;

2-55 (5) submitting for review plans for the installation  
2-56 or alteration of equipment;

2-57 (6) reviewing and approving continuing education  
2-58 providers and courses for renewal of elevator inspector and  
2-59 contractor registrations [~~registration~~];

2-60 (7) applying for a waiver, variance, or delay; and

2-61 (8) attending a continuing education program  
2-62 sponsored by the department for registered elevator [~~OEI-1~~]  
2-63 inspectors.

2-64 SECTION 4. Subsections (b) and (c), Section 754.016, Health  
2-65 and Safety Code, are amended to read as follows:

2-66 (b) A registered elevator [~~An~~] inspector shall date and sign  
2-67 an inspection report and shall issue the report to the building  
2-68 owner not later than the 10th calendar day after the date of  
2-69 inspection.

3-1 (c) The executive director shall date and sign a certificate  
 3-2 of compliance and shall issue the certificate to the building  
 3-3 owner. The certificate of compliance shall state:

3-4 (1) that the equipment has been inspected by a  
 3-5 registered elevator [certified] inspector and found by the  
 3-6 inspector to be in compliance, except for any delays or waivers  
 3-7 granted by the executive director and stated in the certificate;

3-8 (2) the date of the last inspection and the due date  
 3-9 for the next inspection; and

3-10 (3) contact information at the department to report a  
 3-11 violation of this subchapter.

3-12 SECTION 5. The heading to Section 754.017, Health and  
 3-13 Safety Code, is amended to read as follows:

3-14 Sec. 754.017. REGISTERED ELEVATOR [CERTIFIED] INSPECTORS.

3-15 SECTION 6. Subsections (a), (b), and (d), Section 754.017,  
 3-16 Health and Safety Code, are amended to read as follows:

3-17 (a) In order to inspect equipment, an individual must:

3-18 (1) be registered with the department;

3-19 (2) attend educational programs approved by the  
 3-20 department;

3-21 (3) be certified as an [a-QEI-1] inspector in  
 3-22 accordance with the rules adopted by the commission [by an  
 3-23 organization accredited by the American Society of Mechanical  
 3-24 Engineers]; [and]

3-25 (4) comply with the continuing education requirements  
 3-26 established by commission rule for registration renewal; and

3-27 (5) pay all applicable fees.

3-28 (b) A person assisting a registered elevator [certified]  
 3-29 inspector and working under the direct, on-site supervision of the  
 3-30 inspector is not required to be registered [certified].

3-31 (d) A registered elevator [certified] inspector may not  
 3-32 inspect equipment if the inspector or the inspector's employer has  
 3-33 a financial or personal conflict of interest or the appearance of  
 3-34 impropriety related to the inspection of that equipment [may not be  
 3-35 required to attend more than seven hours of continuing education  
 3-36 during each licensing period].

3-37 SECTION 7. The heading to Section 754.0174, Health and  
 3-38 Safety Code, is amended to read as follows:

3-39 Sec. 754.0174. CONTINUING EDUCATION FOR RENEWAL OF ELEVATOR  
 3-40 INSPECTOR AND CONTRACTOR REGISTRATIONS.

3-41 SECTION 8. Section 754.0174, Health and Safety Code, is  
 3-42 amended by adding Subsection (a-1) and amending Subsection (b) to  
 3-43 read as follows:

3-44 (a-1) Each registered elevator inspector must complete  
 3-45 continuing education requirements set by commission rule before the  
 3-46 inspector may renew the inspector's registration.

3-47 (b) A provider of continuing education under this section  
 3-48 must:

3-49 (1) register with the department; and

3-50 (2) comply with rules adopted by the commission  
 3-51 relating to continuing education for a registered elevator  
 3-52 inspector or designated responsible party, as applicable.

3-53 SECTION 9. Subsections (a) and (b), Section 754.019, Health  
 3-54 and Safety Code, are amended to read as follows:

3-55 (a) The owner of real property on which equipment covered by  
 3-56 this subchapter is located shall:

3-57 (1) have the equipment inspected annually by a  
 3-58 registered elevator [certified] inspector;

3-59 (2) obtain an inspection report from the inspector  
 3-60 evidencing that all equipment in a building on the real property was  
 3-61 inspected in accordance with this subchapter and rules adopted  
 3-62 under this subchapter;

3-63 (3) file with the executive director each inspection  
 3-64 report, and all applicable fees, not later than the 60th day after  
 3-65 the date on which an inspection is made under this subchapter;

3-66 (4) display the certificate of compliance:

3-67 (A) in a publicly visible area of the building,  
 3-68 as determined by commission rule under Section 754.016, if the  
 3-69 certificate relates to an elevator;

4-1 (B) in the escalator box if the certificate  
4-2 relates to an escalator; or

4-3 (C) in a place designated by the executive  
4-4 director if the certificate relates to equipment other than an  
4-5 elevator or escalator; and

4-6 (5) display the inspection report at the locations  
4-7 designated in Subdivision (4) until a certificate of compliance is  
4-8 issued.

4-9 (b) When an inspection report is filed, the owner shall  
4-10 submit to the executive director, as applicable:

4-11 (1) verification that any deficiencies in the  
4-12 registered elevator inspector's report have been remedied or that a  
4-13 bona fide contract to remedy the deficiencies has been entered  
4-14 into; or

4-15 (2) any application for delay or waiver of an  
4-16 applicable standard.

4-17 SECTION 10. Section 754.020, Health and Safety Code, is  
4-18 amended to read as follows:

4-19 Sec. 754.020. CHIEF ELEVATOR INSPECTOR. The executive  
4-20 director may appoint a chief elevator inspector to administer the  
4-21 equipment inspection and registration program. The chief elevator  
4-22 inspector:

4-23 (1) may not have a financial or commercial interest in  
4-24 the manufacture, maintenance, repair, inspection, installation, or  
4-25 sale of equipment; and

4-26 (2) must possess the ~~[a-CEI-1]~~ certification or obtain  
4-27 the certification required under Section 754.017 within six months  
4-28 after becoming chief elevator inspector.

4-29 SECTION 11. Section 754.021, Health and Safety Code, is  
4-30 amended to read as follows:

4-31 Sec. 754.021. LIST OF REGISTERED ELEVATOR INSPECTORS AND  
4-32 CONTRACTORS. The executive director shall:

4-33 (1) compile a list of elevator ~~[certified]~~ inspectors  
4-34 and contractors who are registered with the department; and

4-35 (2) employ personnel who are necessary to enforce this  
4-36 subchapter.

4-37 SECTION 12. Subsection (k), Section 754.023, Health and  
4-38 Safety Code, is amended to read as follows:

4-39 (k) If an emergency order to disconnect power or lock out  
4-40 equipment is issued, the building owner or manager may have the  
4-41 power reconnected or the equipment unlocked only if:

4-42 (1) a registered elevator inspector, a registered ~~[ex]~~  
4-43 contractor, or a department representative has filed a written form  
4-44 with the department verifying the imminent and significant danger  
4-45 has been removed by repair, replacement, or other means; and

4-46 (2) the building owner, before the reconnection of  
4-47 power or unlocking of equipment, reimburses the department for all  
4-48 expenses incurred relating to the disconnection of power or  
4-49 lockout.

4-50 SECTION 13. (a) The Texas Commission of Licensing and  
4-51 Regulation shall adopt the rules necessary to implement Chapter  
4-52 754, Health and Safety Code, as amended by this Act, not later than  
4-53 January 1, 2014.

4-54 (b) The changes in law made by this Act apply only to an  
4-55 application submitted to the Texas Department of Licensing and  
4-56 Regulation on or after January 1, 2014, for an elevator inspector  
4-57 registration or for renewal of an elevator inspector registration  
4-58 with an expiration date on or after January 1, 2014. An application  
4-59 for an elevator inspector registration or for renewal of an  
4-60 elevator inspector registration with an expiration date on or after  
4-61 January 1, 2014, that is submitted before January 1, 2014, is  
4-62 governed by the law in effect immediately before the effective date  
4-63 of this Act, and that law is continued in effect for that purpose.

4-64 (c) Subsection (a), Section 754.012, Health and Safety  
4-65 Code, as amended by this Act, applies only to a member appointed to  
4-66 the elevator advisory board on or after January 1, 2014.

4-67 SECTION 14. This Act takes effect September 1, 2013.